



February 16, 2001

SENATE BILL No. 344

DIGEST OF SB 344 (Updated February 14, 2001 3:52 PM - DI 51)

Citations Affected: IC 32-8; noncode.

Synopsis: Abandoned watercraft. Permits marina operators to sell at auction watercraft that have been left at the marina without permission for more than six months. Requires the marina operator to perform a title search at the bureau of motor vehicles before conducting an auction and requires the marina operator to notify the owner and any lien holder of the intent to sell the abandoned watercraft. Allows the owner or lien holder to redeem the watercraft within 45 days of receiving notice from the marina operator. Provides that if the watercraft is not redeemed within 45 days, the watercraft will be auctioned and sold to the highest bidder. Requires the marina operator to provide the highest bidder with an affidavit of sale, which constitutes proof of ownership permitting the bureau to issue a certificate of title to the purchaser.

Effective: July 1, 2001.

Mrvan, Landske

January 16, 2001, read first time and referred to Committee on Judiciary.
February 15, 2001, amended, reported favorably — Do Pass.

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SB 344—LS 7765/DI 106+



February 16, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 344

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 32-8-40 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2001]:

4 **Chapter 40. Sale of Abandoned Watercraft**

5 **Sec. 1.** As used in this chapter, "marina operator" means a
6 person, a firm, a corporation, a limited liability company, a
7 municipality, or another unit of government that is engaged in the
8 business of operating a marina.

9 **Sec. 2.** A marina operator may:

- 10 (1) sell a watercraft that has been left without permission at
11 the marina for more than six (6) months; and
12 (2) recover the operator's reasonable maintenance, repair,
13 dockage, storage, and other charges if the conditions
14 described in section 3 of this chapter are met.

15 **Sec. 3.** The marina operator shall:

- 16 (1) perform a search of watercraft titles at the bureau of
17 motor vehicles for:

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- 1 (A) the name and address of the owner of the watercraft;
- 2 and
- 3 (B) the name and address of any person holding a lien or
- 4 security interest on the watercraft;
- 5 (2) after receiving the results of the search required by
- 6 subdivision (1), send notice by certified mail, return receipt
- 7 requested, to the last known address of the owner of the
- 8 watercraft and to any lien holder with a perfected security
- 9 interest in the watercraft. The notice must:
- 10 (A) describe the location of the watercraft;
- 11 (B) itemize all maintenance, repair, dockage, storage, and
- 12 other charges;
- 13 (C) inform the watercraft owner and lien holder of the
- 14 intent to sell the watercraft at public auction under this
- 15 chapter unless the watercraft owner or lien holder pays all
- 16 delinquent and actual charges incurred in the notice and
- 17 sale and removes the watercraft from the marina premises
- 18 not later than forty-five (45) days after the return receipt
- 19 is received by the marina operator; and
- 20 (D) state that unless the lien holder redeems the watercraft
- 21 by payment of the delinquent charges and removes the
- 22 watercraft from the marina operator's premises within
- 23 forty-five (45) days after the return receipt is received by
- 24 the property owner, the lien is invalidated;
- 25 (3) advertise that the watercraft will be sold at public auction
- 26 in conformity with the provisions of IC 26-1-7-210. The
- 27 advertisement of sale must be published once a week for two
- 28 (2) consecutive weeks in a newspaper of general circulation
- 29 in:
- 30 (A) the county where the watercraft has been left without
- 31 permission; and
- 32 (B) Marion County;
- 33 (4) conduct an auction sale, not less than forty-five (45) days
- 34 after the return receipt is received by the marina operator, on
- 35 the marina property where the watercraft was left without
- 36 permission;
- 37 (5) provide a reasonable time before the sale for prospective
- 38 purchasers to examine the watercraft;
- 39 (6) sell the watercraft to the highest bidder; and
- 40 (7) immediately after the auction sale, execute an affidavit of
- 41 sale in triplicate on a form prescribed by the bureau of motor
- 42 vehicles stating:

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- (A) that the requirements of this section have been met;
- (B) the length of time that the watercraft was left on the marina property without permission;
- (C) the expenses incurred by the marina operator, including the expenses of the sale;
- (D) the name and address of the purchaser of the watercraft at the auction sale; and
- (E) the amount of the winning bid.

Sec. 4. Upon payment of the bid price by the purchaser, the marina operator shall provide the purchaser with the affidavit of sale described in this chapter.

Sec. 5. The affidavit of sale under this chapter constitutes proof of ownership and right to possession under IC 9-31-2-16.

Sec. 6. After the purchaser:

- (1) presents the bureau of motor vehicles with the affidavit of sale;
- (2) completes an application for title; and
- (3) pays any applicable fee;

the bureau shall issue to the purchaser a certificate of title to the watercraft.

Sec. 7. If a boat is sold under this chapter for an amount of money that is greater than the charges owed to the marina operator plus all reasonable expenses of sale, the excess shall be paid to the watercraft owner and any lien holders with an interest in the watercraft.

SECTION 2. [EFFECTIVE JULY 1, 2001] This chapter applies to all watercraft located on the property of a marina after January 1, 2001.

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SENATE MOTION

Mr. President: I move that Senator Landske be added as second author of Senate Bill 344.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 344, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 25, delete "." and insert "**in conformity with the provisions of IC 26-1-7-210.**".

and when so amended that said bill do pass.

(Reference is to SB 344 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 0.

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